

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

2005 MAR 22 P 2:55

05 10606 REK

SHERYL SATTERTHWAITE AS
EXECUTRIX OF THE ESTATE OF
DENNIS SATTERTHWAITE

MAGISTRATE JUDGE New Mag

Plaintiff,

No.

vs.

UNITED STATES OF AMERICA,
UNIVERSAL HEALTH SERVICES, INC.,
ARTHUR N. PAPPAS, M.D. AND
CATHERINE SULLIVAN, R.N.C.

Defendants.

RECEIPT # 63066
FILED 3/22/05
SUMMONS ISSUED yes
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. CLK. FDM
DATE 3/24/05

COMPLAINT

1. The plaintiff, Sheryl Satterthwaite, resides at 58 Highland Road, Town of Abington, County of Plymouth, Commonwealth of Massachusetts.
2. The plaintiff, Sheryl Satterthwaite, was the wife of the late Dennis Satterthwaite and is the duly appointed Executrix of the Estate of Dennis Satterthwaite, late of 69 Revere Road, City of Quincy, County of Norfolk, Commonwealth of Massachusetts.
3. The defendant, United States of America, is a governmental entity duly organized under law.
4. The defendant, Universal Health Services, Inc., is foreign corporation duly organized under the laws of Delaware having a principal place of business at 367 South Gulph Road, King of Prussia, Pennsylvania.
5. The defendant, Universal Health Services, Inc., at all relevant times

conducted business within the Commonwealth of Massachusetts and operated the medical facility known as Westwood Lodge Hospital, 45 Clapboardtree Street, Town of Westwood, County of Norfolk, Commonwealth of Massachusetts.

6. The defendant, Arthur N. Pappas, M.D., is a licensed, practicing physician having a usual place of business at 45 Clapboardtree Street, Town of Westwood, County of Norfolk, Commonwealth of Massachusetts.

7. The defendant, Catherine Sullivan, R.N.C., was at all material times a nurse licensed to practice in the Commonwealth of Massachusetts with a regular place of business at 45 Clapboardtree Street, Town of Westwood, County of Norfolk, Commonwealth of Massachusetts.

The Facts

8. In or about May, 2002, the defendant, Arthur N. Pappas, M.D., undertook to care for and treat the plaintiff's decedent, Dennis Satterthwaite, while he was a patient at the Westwood Lodge Hospital located at 45 Clapboardtree Street, Westwood, Massachusetts and at various other times; in so doing, the defendant owed to the plaintiff's decedent the duty of using due care and skill. In violation of the duty of care and skill owed to the plaintiff's decedent, Dennis Satterthwaite, the defendant, Arthur N. Pappas, M.D., so carelessly, negligently, unskillfully, and/or in a grossly negligent manner cared for and treated the said Dennis Satterthwaite that he was caused to die on May 30, 2002.

9. In or about May, 2002, the defendant, Catherine Sullivan, R.N.C., undertook to care for and treat the plaintiff's decedent, Dennis Satterthwaite, while he was a patient at the Westwood Lodge Hospital located at 45 Clapboardtree Street,

Westwood, Massachusetts and at various other times; in so doing, the defendant owed to the plaintiff's decedent the duty of using due care and skill. In violation of the duty of care and skill owed to the plaintiff's decedent, Dennis Satterthwaite, the defendant, Catherine Sullivan, R.N.C., so carelessly, negligently, unskillfully, and/or in a grossly negligent manner cared for and treated the said Dennis Satterthwaite that he was caused to die on May 30, 2002.

10. In or about May, 2002, agents, servants and/or employees of the defendant, Universal Health Services, Inc., undertook to care for and treat the plaintiff's decedent, Dennis Satterthwaite, while he was a patient at the Westwood Lodge Hospital located at 45 Clapboardtree Street, Westwood, Massachusetts and at various other times; in so doing, the defendant's agents, servants and/or employees owed to the plaintiff's decedent the duty of using due care and skill. In violation of the duty of care and skill owed to the plaintiff's decedent, Dennis Satterthwaite, agents, servants and/or employees of the defendant, Universal Health Services, Inc., so carelessly, negligently, unskillfully, and/or in a grossly negligent manner cared for and treated the said Dennis Satterthwaite that he was caused to die on May 30, 2002.

11. On or about May 29, 2002 and at various other dates, agents, servants and/or employees of the defendant, United States of America, undertook to care for and treat the plaintiff's decedent, Dennis Satterthwaite, while he was a patient at the Veterans Affairs Boston Outpatient Clinic, 251 Causeway Street, Boston, Massachusetts; in so doing, the defendant's agents, servants and/or employees owed to the plaintiff's decedent the duty of using due care and skill. In violation of the duty of care and skill owed to the plaintiff's decedent, Dennis Satterthwaite, agents, servants

and/or employees of the defendant, United States of America, so carelessly, negligently, unskillfully, and/or in a grossly negligent manner cared for and treated the said Dennis Satterthwaite that he was caused to die on May 30, 2002.

12. Prior to his death and while he was in a conscious condition, the said Dennis Satterthwaite suffered severe pain of body and anguish of mind and expenses

13. Dennis Satterthwaite left surviving him next of kin.

14. On April 27, 2004, the plaintiff made a written demand for relief in accordance with the provisions of 28 U.S.C. § 2401(b) and 38 C.F.R. §14.604(b) to the defendant, United States of America.

15. On December 16, 2004, the defendant, United States of America, denied plaintiff's claim in writing and failed to reach final arbitration, settlement, compromise and/or disposition of plaintiff's claims as required by 28 U.S.C. §§ 2401(b) and 2675(a) and 38 C.F.R. § 14.604(b).

Causes of Action

(Each Cause of Action Specifically Incorporates by Reference
All of Those Paragraphs Previously Set Forth)

First Cause of Action

16. This is an action by the plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, against the defendant, Arthur N. Pappas, M.D., for negligence for damages suffered by Dennis Satterthwaite prior to his death, including, but not limited to, conscious pain and suffering, loss of earning capacity, and medical expenses.

Second Cause of Action

17. This is an action by the plaintiff, Sheryl Satterthwaite, as Executrix of the

Estate of Dennis Satterthwaite, against the defendant, Arthur N. Pappas, M.D., for negligence resulting in the death of Dennis Satterthwaite for the use and benefit of the next of kin of said decedent, in accordance with the provisions of Massachusetts General Laws, Chapter 229, as amended, and applicable at the times material herein.

Third Cause of Action

18. This is an action by the plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, against the defendant, Arthur N. Pappas, M.D., for punitive damages in causing the death of Dennis Satterthwaite by gross negligence in accordance with the provisions of Massachusetts General Laws, Chapter 229, as amended, and applicable at the times material herein.

Fourth Cause of Action

19. This is an action by the plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, against the defendant, Catherine Sullivan, R.N.C., for negligence for damages suffered by Dennis Satterthwaite prior to his death, including, but not limited to, conscious pain and suffering, loss of earning capacity, and medical expenses.

Fifth Cause of Action

20. This is an action by the plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, against the defendant, Catherine Sullivan, R.N.C, for negligence resulting in the death of Dennis Satterthwaite for the use and benefit of the next of kin of said decedent, in accordance with the provisions of Massachusetts General Laws, Chapter 229, as amended, and applicable at the times material herein.

Sixth Cause of Action

21. This is an action by the plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, against the defendant, Catherine Sullivan, R.N.C, for punitive damages in causing the death of Dennis Satterthwaite by gross negligence in accordance with the provisions of Massachusetts General Laws, Chapter 229, as amended, and applicable at the times material herein.

Seventh Cause of Action

22. This is an action by the plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, against the defendant, Universal Health Services, Inc., for negligence for damages suffered by Dennis Satterthwaite prior to his death, including, but not limited to, conscious pain and suffering, loss of earning capacity, and medical expenses.

Eighth Cause of Action

23. This is an action by the plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, against the defendant, Universal Health Services, Inc., for negligence resulting in the death of Dennis Satterthwaite for the use and benefit of the next of kin of said decedent, in accordance with the provisions of Massachusetts General Laws, Chapter 229, as amended, and applicable at the times material herein.

Ninth Cause of Action

24. This is an action by the plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, against the defendant, Universal Health Services, Inc., for punitive damages in causing the death of Dennis Satterthwaite by gross negligence in accordance with the provisions of Massachusetts General Laws, Chapter 229, as

amended, and applicable at the times material herein.

Tenth Cause of Action

25. This is an action by the plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, against the defendant, United States of America, for negligence for damages suffered by Dennis Satterthwaite prior to his death, including, but not limited to, conscious pain and suffering, loss of earning capacity, and medical expenses, in accordance with the provisions of 28 U.S.C. § 1346(b).

Eleventh Cause of Action

26. This is an action by the plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, against the defendant, United States of America, for negligence resulting in the death of Dennis Satterthwaite for the use and benefit of the next of kin of said decedent, in accordance with the provisions of 28 U.S.C. § 1346(b).

Demands for Relief

27. The plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, demands judgment against the defendant, Arthur N. Pappas, M.D., together with interest and costs, as to the First and Second Causes of Action.

28. The plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, demands judgment against the defendant, Arthur N. Pappas, M.D., for punitive damages in an amount not less than Five Thousand (\$5,000) Dollars as to the Third Cause of Action.

29. The plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, demands judgment against the defendant, Catherine Sullivan, R.N.C., together with interest and costs, as to the Fourth and Fifth Causes of Action.

30. The plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, demands judgment against the defendant, Catherine Sullivan, R.N.C., for punitive damages in an amount not less than Five Thousand (\$5,000) Dollars as to the Sixth Cause of Action.

31. The plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, demands judgment against the defendant, Universal Health Services, Inc., together with interest and costs, as to the Seventh and Eighth Causes of Action.

32. The plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, demands judgment against the defendant, Universal Health Services, Inc., for punitive damages in an amount not less than Five Thousand (\$5,000) Dollars as to the Ninth Cause of Action.

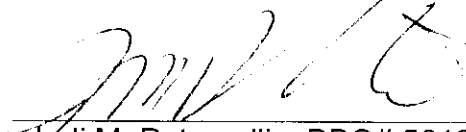
33. The plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, demands judgment against the defendant, United States of America, together with interest and costs, as to the Tenth and Eleventh Causes of Action.

Jury Claim

The plaintiff demands a trial by jury.

By their Attorneys,

SUGARMAN AND SUGARMAN, P.C.



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JS 44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

Sheryl Satterthwaite as Executrix of the
Estate of Dennis Satterthwaite

DEFENDANTS

United States of America, Universal Health
Services, Inc., Arthur N. Pappas, M.D. and
Catherine Sullivan, R.N.C. COURT

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Plymouth
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Jodi M. Petrucelli
David P. McCormack
Sugarman and Sugarman, P.C.
One Beacon Street
Boston, MA 02108 (617) 542-1000

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☒ 2 U.S. Government Defendant
☐ 3 Federal Question
(U.S. Government Not a Party)
☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX
FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|--|---------------------------------------|----------------------------|--|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place
of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place
of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a
Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY:

28 U.S.C. §1346(b). The defendants' agents, servants and/or employees and the defendant healthcare providers negligently rendered medical treatment to the plaintiffs decedent resulting in his death by suicide on May 30, 2002.

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input checked="" type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl./Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$
\$4,000,000.00

Check YES only if demanded in complaint:
JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Sheryl Satterthwaite, as Executrix of the Est. of Dennis Satterthwaite v. United States of America, et al

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☒ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

Not applicable

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Jodi M. Petrucelli, Esq. BBO # 561911- Sugarman and Sugarman, P.C.
ADDRESS One Beacon Street

TELEPHONE NO. 617-542-1000